

[CHAPTER 493]

AN ACT

August 5, 1947

[S. 1198]

[Public Law 364]

To authorize leases of real or personal property by the War and Navy Departments, and for other purposes.

War and Navy Departments.
Lease of property.

50 U. S. C. app.
§§ 1611-1646.
Ante, p. 678.

Period of lease.

Right of first refusal.

Revocation of lease.

Payment for utilities, etc.

Nonapplicability.
Report to Congress.

Repeals.

Transfer of interest in certain plants, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the Secretary of War or the Secretary of the Navy shall deem it to be advantageous to the Government he is authorized to lease such real or personal property under the control of his Department as is not surplus to the needs of the Department within the meaning of the Act of October 3, 1944 (58 Stat. 765), and is not for the time required for public use, to such lessee or lessees and upon such terms and conditions as in his judgment will promote the national defense or will be in the public interest. Each such lease shall be for a period not exceeding five years unless the Secretary of the Department concerned shall determine that a longer period will promote the national defense or will be in the public interest. The Secretary of the Department concerned may include, among other terms and conditions in the lease, a right of first refusal in the lessee to purchase the property in the event of the revocation of the lease in order to permit sale thereof by the Government, but this section shall not be construed as authorizing the sale of any property unless the sale thereof is otherwise authorized by law. Each such lease shall contain a provision permitting the Secretary of the Department concerned to revoke the lease at any time, unless the Secretary shall determine that the omission of such provision from the lease will promote the national defense or will be in the public interest. In any event each such lease shall be revocable by the Secretary of the Department concerned during a national emergency declared by the President. Notwithstanding section 321 of the Act of June 30, 1932 (47 Stat. 412; U. S. C., title 40, sec. 303b), or any other provision of law, any such lease may provide for the maintenance, protection, repair, or restoration by the lessee, of the property leased or of the entire unit or installation where a substantial part thereof is leased, as a part or all of the consideration for the lease of such property. In the event utilities or services shall be furnished by the Department concerned to the lessee in connection with any lease, payments for utilities or services so furnished may be covered into the Treasury to the credit of the appropriation or appropriations from which the costs of furnishing any such utilities or services to the lessee was paid. Except as otherwise hereinabove provided, any money rentals received by the Government directly under any such lease shall be deposited and covered into the Treasury as miscellaneous receipts. The authority herein granted shall not apply to oil, mineral, or phosphate lands. The Secretary of War or the Secretary of the Navy, as the case may be, shall submit to the Congress on the 1st day of January and the 1st day of July of each year, following the enactment of this law, a report of all leases entered into in accordance with the provisions of this Act.

SEC. 2. The Act of July 28, 1892, as amended (27 Stat. 321; 45 Stat. 988; U. S. C., title 40, sec. 303), is hereby repealed. So much of the Naval Appropriation Act of August 29, 1916, as is contained under the heading "Lease of Naval Lands", as amended (39 Stat. 559; 45 Stat. 990; U. S. C., title 34, sec. 522), is hereby repealed.

SEC. 3. (a) Notwithstanding any other provision of law, all right, title, and interest of Reconstruction Finance Corporation in any plants or facilities, and the machinery, equipment, and other personal property accessory thereto, acquired by Defense Plant Corporation or Reconstruction Finance Corporation in accordance with authority

contained in the Reconstruction Finance Corporation Act (U. S. C., title 15, secs. 601–617) pursuant to undertakings by the War Department or the Navy Department to reimburse Defense Plant Corporation or Reconstruction Finance Corporation to the extent of the unrecovered cost thereof in the event Congress authorizes such reimbursement by making appropriations therefor, shall be transferred by Reconstruction Finance Corporation (or by War Assets Administration, if such property has been declared surplus) to the War Department or the Navy Department upon certification by the Secretary of War or the Secretary of the Navy made within six months after the enactment hereof, that the retention of such plants or facilities, and the machinery, equipment, and other personal property accessory thereto, by the War Department or the Navy Department, as the case may be, is necessary for the maintenance of an adequate Military or Naval Establishment including industrial reserve.

47 Stat. 5.
Ante, p. 202 *et seq.*

(b) Notwithstanding any other provision of law, all right, title, and interest of Reconstruction Finance Corporation or War Assets Administration in any machinery or equipment shall be transferred by the agency having control thereof to the War Department or the Navy Department upon certification by the Secretary of War or the Secretary of the Navy made within six months after the enactment hereof, that the retention of such machinery or equipment by the War Department or the Navy Department, is necessary for the maintenance of an adequate Military or Naval Establishment, including industrial reserve.

Transfer of interest
in machinery, etc.

SEC. 4. Any transfer made pursuant to section 3 of this Act shall be approved by the Director of the Bureau of the Budget to the extent and in the manner determined by him and shall be made without charge or reimbursement from the funds available to the War Department or the Navy Department, except for costs of packing, handling, and transportation of machinery and equipment transferred under section 3 (b) hereof.

Approval of transfer.

SEC. 5. (a) Whenever in the opinion of the Secretary of War or the Secretary of the Navy, as the case may be, the interests of national defense require assurance of the continued availability for war-production purposes of the industrial capacity of shipyards, plants, and equipment which are surplus to the needs of their respective Departments or of the Reconstruction Finance Corporation within the meaning of the Surplus Property Act of 1944, they are authorized to direct the imposition of such terms, conditions, restrictions, and reservations in the disposition of such property by the disposal agency under said Act as will in the opinion of the Secretary concerned be adequate to assure such continued availability.

Terms to assure continued availability of plants, etc.

58 Stat. 765.
50 U. S. C. app.
§§ 1611–1646.
Ante, p. 678.

(b) In the event the disposal agency is unable to dispose of any such industrial plants and equipment subject to such terms, conditions, restrictions, or reservations as have been imposed, within a reasonable time and after such property shall have been offered for sale and reasonable efforts made to dispose of the same, the Department imposing such terms, conditions, restrictions, or reservations shall (1) modify them to the extent necessary to permit the sale or lease of such property, (2) withdraw the property from surplus, or, in the case of Reconstruction Finance Corporation property, request a transfer thereof in the manner provided in sections 3 (a) and 4 of this Act, or (3) eliminate and waive the requirement for the imposition of any terms, conditions, restrictions, or reservations made under the authority of this section.

Modification of terms, etc.

SEC. 6. The lessee's interest, made or created pursuant to the provisions of this Act, shall be made subject to State or local taxation. Any

State or local taxes.

lease of property authorized under the provisions of this Act shall contain a provision that if and to the extent that such property is made taxable by State and local governments by Act of Congress, in such event the terms of such lease shall be renegotiated.

Appropriation authorized.

SEC. 7. There is authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary to carry out the purposes of this Act.

Approved August 5, 1947.

[CHAPTER 494]

AN ACT

August 5, 1947
[S. 1661]

[Public Law 366]

To provide additional inducements to physicians, surgeons, and dentists to make a career of the United States military, naval, and public health services, and for other purposes.

Army-Navy-Public Health Service Medical Officer Procurement Act of 1947.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Army-Navy-Public Health Service Medical Officer Procurement Act of 1947".

TITLE I

PAY OF PHYSICIANS, SURGEONS, AND DENTISTS

37 U. S. C. §§ 101-120.

Ante, pp. 52, 92, 134, 192, 242; *post*, p. 838.

"Commissioned officers."

SEC. 101. The Pay Readjustment Act of 1942 (56 Stat. 359), as amended, is hereby further amended by inserting immediately after section 1 thereof the following new section:

"SEC. 1A. (a) The term 'commissioned officers', as used in this section, shall be interpreted to mean only (1) those commissioned officers of the Medical and Dental Corps of the Regular Army and Navy and commissioned medical and dental officers of the Regular Corps of the Public Health Service who are on active duty on the effective date of this section; (2) those officers who are hereafter commissioned in the Medical and Dental Corps of the Regular Army and Navy or as medical and dental officers of the Regular corps of the Public Health Service during the five-year period immediately following the effective date of this section; (3) such officers, now or hereafter commissioned in the Medical and Dental Corps of the Officers' Reserve Corps, the Naval Reserve, the National Guard, the Army of the United States, or as medical and dental officers of the Reserve Corps of the Public Health Service, who may, during the five-year period immediately following the effective date of this section, volunteer and be accepted for extended active duty of one year or longer; (4) general officers appointed from the Medical and Dental Corps of the Regular Army, the Officers' Reserve Corps, the National Guard, or the Army of the United States who are on active duty on the effective date of this section; (5) general officers who may hereafter be appointed from those officers of the Medical and Dental Corps of the Regular Army, the Officers' Reserve Corps, the National Guard, or the Army of the United States who are included in (1), (2), or (3) above.

Additional pay for active service.

"(b) In addition to any pay, allowances, or emoluments that they are otherwise entitled to receive, commissioned officers as defined in subsection (a) of this section shall be entitled to pay at the rate of \$100 per month for each month of active service following the date of enactment of this section: *Provided*, That such sum shall not be included in computing the amount of increase in pay authorized by any other provision of law or in computing retired pay: *Provided further*, That the total amount which may be paid to any one officer under the authority contained in this section shall not exceed \$36,000:

Noninclusion.

Maximum.